

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN RE: VOLKSWAGEN “CLEAN DIESEL”  
MARKETING, SALES PRACTICES, AND  
PRODUCTS LIABILITY LITIGATION

MDL No. 2672 CRB (JSC)

This Order Relates To:  
Dkt. No. 5068

**ORDER TO SHOW CAUSE  
REGARDING MOTION TO ENFORCE  
INJUNCTION AGAINST  
SETTLEMENT CLASS MEMBER  
MARIA LUISA MACIEL**

Pursuant to the Court-approved 2.0-liter class action settlement agreement, all persons who owned or leased an eligible Volkswagen vehicle as of September 18, 2015, and who did not opt out of the settlement agreement, agreed to release all claims, whether known or unknown, against Volkswagen Group of America, Inc. (“VWGoA”) and any Volkswagen Dealers “arising from or in any way related to the 2.0-liter TDI Matter.” (Dkt. No. 1685 §§ 9.2, 9.3.) In the order approving the 2.0-liter settlement agreement, the Court enjoined class members from commencing or pursuing released claims in any judicial proceeding. (*See* Dkt. No. 2102 at 47 ¶ 9.)

On June 4, 2018, VWGoA filed a motion to enforce the 2.0-liter settlement release against Maria Luisa Maciel. VWGoA asserts that Ms. Maciel is a member of the 2.0-liter settlement class, and that in breach of the release she is pursuing a claim related to the 2.0-liter TDI Matter against VWGoA and Ancira Volkswagen of Laredo, a Volkswagen Dealer, in Texas state court. VWGoA requests that the Court enjoin Ms. Maciel from continuing to prosecute her state court suit. Counsel for Ms. Maciel has not filed an opposition to VWGoA’s motion and the deadline for filing one has now passed.

The Court has reviewed VWGoA’s filing, which includes a copy of Ms. Maciel’s state court complaint and copies of certain emails between her counsel and counsel for VWGoA. (*See*

1 Dkt. No. 5068.) The Court has also reviewed the list of 2.0-liter settlement opt-outs. (*See* Dkt.  
2 No. 2102-1.) Ms. Maciel is not shown as an opt-out on that list, and from the allegations in her  
3 state court complaint it appears that she is a 2.0-liter settlement class member and that she is  
4 pursuing a released claim against VWGoA and Ancira Volkswagen of Laredo.

5 Based on the record, the Court is inclined to grant the motion and to invoke its authority  
6 under the All Writs Act to enjoin Ms. Maciel from continuing to prosecute her state court suit  
7 against VWGoA and Ancira Volkswagen of Laredo. *See Keith v. Volpe*, 118 F.3d 1386, 1390 (9th  
8 Cir. 1997) (“[T]he All Writs Act, 28 U.S.C. § 1651, empowers the federal courts to enjoin state  
9 proceedings that interfere, derogate, or conflict with federal judgments, orders, or settlements.”).  
10 Before doing so, the Court ORDERS Ms. Maciel’s counsel to show cause, if any, for why the  
11 injunction should not be entered. VWGoA shall serve this order on Ms. Maciel’s counsel and file  
12 proof of service with the Court. Ms. Maciel’s counsel shall have 14 days after the date of service  
13 to answer in a filing before the Court.

14 **IT IS SO ORDERED.**

15 Dated: June 29, 2018



CHARLES R. BREYER  
United States District Judge